

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JANE LOUISE GASSNER,)
)
Plaintiff,)
)
v.) No. 4:06-CV-1335 CAS
)
JAY WOLFE TOYOTA,)
)
Defendant.)

ORDER

This matter is before the Court on attorney Kevin D. Case's motion for admission pro hac vice pursuant to Rule 12.01(E) of the Local Rules of the United States District Court for Eastern District of Missouri. This rule provides in pertinent part:

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest Court of any state or the District of Columbia, may be admitted pro hac vice for the limited purpose of appearing in a specific action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri.

E.D. Mo. L.R. 12.01(E) (emphasis added).

Mr. Case's motion for pro hac vice admission states that he is not regularly engaged in the practice of law in this district. It has come to the Court's attention, however, that Mr. Case has appeared as counsel in twelve other cases in this district, in addition to the instant matter. The cases are:

1. 4:99-CV-1033 LMB, Credit Acceptance Corp. v. Lou Fusz Motor Co. of Ellisville, Inc.
2. 4:99-CV-1671 LMB, Credit Acceptance Corp. v. Lou Fusz Motor Co. of Ellisville, Inc.
3. 4:01-CV-172 CEJ, Flick v. Belt
4. 2:01-CV-51 DJS, Schleiermacher v. Moberly Motor Co.
5. 4:01-CV-1600 CDP, Woods v. Friendly Ford, Inc.
6. 1:04-CV-74 FRB, Johnson v. Martindale Chevrolet
7. 4:04-CV-1543 CAS, Stockwood v. I-Flow Corp.

8. 4:05-CV-942 HEA, Low v. Paul Cerame Ford, Inc.
9. 4:05-CV-965 JCH, DeVera v. Lou Fusz Motor Co.
10. 4:05-CV-969 ERW, McKinney v. MTD, Inc.
11. 4:05-CV-1367 CAS, Joyce v. Automotive, Petroleum and Allied Indus. Employees Union
12. 4:05-CV-1823 SNL, Davidson v. Jordan

The Court believes that with this frequency of appearance, Mr. Case is regularly employed in this district and therefore is not eligible for pro hac vice admission. Within seven (7) days of the date of this order, Mr. Case will be ordered to either (1) file a verified statement that he will submit an application for admission to practice before this Court pursuant to Local Rule 12.01(C) no later than December 29, 2006, or (2) seek leave to withdraw his entry of appearance in this case.

If Mr. Case files a statement that he will seek admission to the bar of this Court, the Court will grant the motion for admission pro hac vice to permit interim admission for purposes of this case. The answer which Mr. Case has filed on behalf of the defendant will be ordered stricken and deleted from the record, however, as it was not filed by an attorney either enrolled pursuant to the rules of this Court or duly admitted pro hac vice. See Local Rule 12.01(A).

Accordingly,

IT IS HEREBY ORDERED that attorney Kevin D. Case shall have until December 7, 2006 to either (1) file a verified statement that he will submit an application for admission to practice before this Court pursuant to Local Rule 12.01(C) no later than December 29, 2006, or (2) seek leave to withdraw his entry of appearance in this case.

IT IS FURTHER ORDERED that the motion for pro hac vice admission filed by Mr. Case remains pending. [Doc. 11]

IT IS FURTHER ORDERED that the Clerk of the Court shall strike and delete from the record of this case the Answer filed by Mr. Case on behalf of defendant Jay Wolfe Toyota. [Doc. 12]

IT IS FURTHER ORDERED that in the event Mr. Case elects to seek leave to withdraw his entry of appearance in this case rather than seek admission to practice before this Court, he shall attach a copy of this order to any future motions for admission pro hac vice that he files in this district.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 30th day of November, 2006.